



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 27, 1992

Mr. Harry C. Green
General Counsel
Texas Department of Criminal Justice
Pardons and Paroles Division
P. O. Box 13401, Capitol Station
Austin, Texas 78711

OR92-277

Dear Mr. Green:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 15666.

The Pardons and Paroles Division of the Texas Department of Criminal Justice received a request for the 1988-89 annual audit and monthly inspection reports for the Rose Garden Halfway House in Temple, Texas. You seek to withhold the requested information based on section 3(a)(3) of the Open Records Act, the litigation exception. Under that section, a governmental body may withhold information that relates to pending litigation. Open Records Decision No. 551 (1990).

You inform us that the information at issue relates to two cases which are currently pending in which employees of the Board of Pardons and Paroles are named as defendants. You also state that the assistant attorneys general handling the cases have determined that the requested information relates to the pending litigation. We have examined the requested information and the pleadings in the two cases. We conclude that pursuant to section 3(a)(3) of the Open Records Act you may withhold from required public disclosure the requested information at this time. However, once the opposing parties in the litigation gain access to the information, section 3(a)(3) will no longer be applicable. See Open Records Decision No. 349 (1982).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-277.

Yours very truly,

A handwritten signature in black ink, appearing to read "Kay Guajardo". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Kay Guajardo
Assistant Attorney General
Opinion Committee

KHG/lmm

Re: ID# 15666
ID# 15682

cc: Ms. Bonnie VanGilder
Associate Producer, "60 Minutes"
CBS News
2020 M. Street, N.W.
Washington, D.C. 20036